

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

ORDER

The Court has reviewed *Defense Motion No. 2, Motion to Vacate or Modify the Order of Reference* (Document 80), the *Memorandum in Support* (Document 114), the *United States' Response* (Document 127) and the *Reply in Support* (Document 144). After careful consideration of the same, the Court finds the motion should be granted, in part, inasmuch as it will promote judicial economy and efficiency. Accordingly, the Court **ORDERS** that *Defense Motion No. 2, Motion to Vacate or Modify the Order of Reference* (Document 80) be **GRANTED IN PART** and the reference to the Magistrate Judge with respect to the Defendant's motions filed on February 6, 2015, and April 7, 2015, is hereby **WITHDRAWN**.

The Court has also reviewed the *Defendant's Motion to Convert the March 3, 2015, Hearing Date into a Hearing Solely on Defense Motions Nos. 1 and 2* (Document 140) and the *United States' Response* (Document 141). Given that the Court has issued rulings on the matters which are the subject of this motion, the Court **ORDERS** that the *Defendant's Motion to Convert the March 3, 2015, Hearing Date into a Hearing Solely on Defense Motions Nos. 1 and 2* (Document 140) be **TERMINATED AS MOOT**.

Further, the Court has reviewed the *Defendant's Motion to Continue the Trial Date and Modify the Scheduling Order* (Document 117), the *Memorandum in Support* (Document 118), the *United States' Response* (Document 139), the *Reply in Support* (Document 161), together with the Defendant's *Motion for Scheduling Conference Before the District Judge* (Document 180), *Defendant's Supplement to Motion to Continue the Trial Date and Modify the Scheduling Order and to Motion for Scheduling Conference Before the District Judge* (Document 228) and all exhibits and attachments.

After careful consideration of the same, the Court finds the Defendant has established good cause for a continuance. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

Wherefore, finding that the ends of justice served by granting a continuance outweigh the interest of the public and the Defendant in a speedy trial, the Court, for good cause shown, **ORDERS** that the *Defendant's Motion to Continue the Trial Date and Modify the Scheduling Order* (Document 117) be **GRANTED IN PART**. The Court **ORDERS** that the trial, previously scheduled for April 20, 2015, is **CONTINUED** until **July 13, 2015**, at **9:00 o'clock a.m.** The Court finds that the time between April 20, 2015, and July 13, 2015, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 316(h)(7).

The Court further **ORDERS** that jury selection will begin on **Thursday, July 9, 2015, at 9:00 o'clock a.m.** The Court **ORDERS** that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **June 22, 2015**. To the extent the Defendant requests a scheduling conference, the Court **ORDERS** that the motion be **DENIED**.

Further, the Court **ORDERS** that the *Motion for Scheduling Conference Before the District Judge* (Document 180) be **TERMINATED AS MOOT**.

Lastly, the Court has reviewed *Defense Motion No. 20, Motion for Extension of Time to File Motions in Limine* (Document 113) and the *United States' Response* (Document 134). After careful consideration of the same and in view of the Court's ruling on the Defendant's motion to continue, the Court **ORDERS** that *Defense Motion No. 20, Motion for Extension of Time to File Motions in Limine* (Document 113) be **GRANTED**. The parties shall file all motions *in Limine* by **June 15, 2015**. Any responses shall be filed no later than the **June 22, 2015**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: April 9, 2015



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA